

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION**

BRANDY MAE CASSITY,

Plaintiff,

No. 6:20-cv-02139-MK

v.

ORDER

**TRANSUNION, LLC;
EQUIFAX INFORMATION
SERVICES, LLC; FEDLOAN
SERVICING; DOES 1-100
INCLUSIVE,**

Defendants.

AIKEN, District Judge.

This case comes before the Court on a Findings and Recommendation filed by Magistrate Judge Mustafa Kasubhai on July 26, 2021. ECF No. 31. Judge Kasubhai recommends that Defendant FedLoan Servicing's Motion for Judgment on the Pleadings, ECF No. 19, be granted and the complaint be dismissed with leave to amend.

Under the Federal Magistrates Act, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate judge's findings and recommendations, "the court shall make a *de novo* determination of those portions of

the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

For those portions of a magistrate judge’s findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”). Although no review is required in the absence of objections, the Magistrates Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Id.* at 154. The Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court should review the recommendation for “clear error on the face of the record.”

In this case, Plaintiff has filed Objections, ECF No. 35, and Defendant FedLoan Servicing has filed a Response, ECF No. 36. The Court has reviewed the record, the F&R, the Objections, and Response and finds no error. The F&R is therefore ADOPTED and Defendant FedLoan Servicing’s Motion for Judgment on the Pleadings is GRANTED. Plaintiff’s Complaint is DISMISSED with leave to amend. Plaintiff shall have thirty (30) days from the date of this Order in which to file her amended complaint.

It is so ORDERED and DATED this 13th day of September 2021.

/s/Ann Aiken
ANN AIKEN
United States District Judge